

HOUSE No. 1889

By Mr. Casey of Winchester, petition of Paul C. Casey relative to the establishment of a system for ballistic identification of weapons. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO CREATING A SYSTEM FOR BALLISTIC IDENTIFICATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 121 of chapter 140 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended, in
3 line 1, by striking out the figure “131P” and inserting in place
4 thereof the following figure:— 131Q.

1 SECTION 2. Said section 121 of said chapter 140 of the
2 General Laws, as so appearing, is hereby amended by adding the
3 following definitions:—

4 “Ballistic sample”, a shell casing of a bullet or shot discharged
5 from a specific, identified weapon.

6 “Caliber”, the caliber of ammunition a particular weapon is
7 designed to discharge.

8 “Certificate of compliance”, a document issued by the depart-
9 ment of state police certifying that a ballistic sample has been
10 secured from a weapon by said department for entry into the bal-
11 listic identification database maintained by the criminal history
12 systems board and identifying the weapon by make, model, cal-
13 iber, serial number and weapon type in accordance with the provi-
14 sions of section 131Q.

15 “Make”, the make or brand name under which a weapon is mar-
16 keted and which is displayed on such weapon.

17 “Manufacturer”, any person, firm or corporation engaged in the
18 business of manufacturing weapons or ammunition therefor for
19 the purpose of sale or distribution.

20 “Model”, the model name or number assigned by the manufac-
21 turer and under which the weapon is marketed.

22 “Serial number”, the unique serial number assigned to the
23 firearm by the manufacturer as required by federal law.

24 “Shell casing”, that part of ammunition capable of being used
25 in a weapon that contains the primer and propellant powder to dis-
26 charge the bullet or shot.

27 “Weapon type”, shall identify a particular weapon as either a
28 rifle, shotgun or firearm and whether it is a large-capacity
29 weapon.

1 SECTION 2. The first paragraph of section 123 of said
2 chapter 140 of the General Laws, as appearing in the 2002 Offi-
3 cial Edition, is hereby amended by adding the following clause:—

4 Twenty-second, That no licensee shall sell or otherwise transfer
5 ownership of any weapon received on or after July 1, 2003 to any
6 purchaser in the commonwealth unless such transaction or offer is
7 in compliance with the provisions of section 131Q and regulations
8 established thereunder.

1 SECTION 3. Chapter 140 of the General Laws, as appearing in
2 the 2002 Official Edition, is hereby amended by adding the
3 following section:—

4 Section 131Q. (a) Any weapon transferred or delivered to any
5 person in the commonwealth by a manufacturer or wholesaler on
6 or after July 1, 2005 shall be accompanied by a ballistic sample
7 discharged from that weapon. Such ballistic sample shall be
8 enclosed in a properly marked and sealed container in accordance
9 with rules and regulations established by the executive director of
10 the criminal history systems board; provided, however, that a
11 properly marked container shall identify the weapon from which
12 its contents was discharged in terms of, but not limited to, its
13 make, model, caliber, serial number, weapon type and the date on
14 which the sample was so discharged. The manufacturer shall be
15 responsible for ensuring that a ballistic sample is properly identi-
16 fied and packaged with each weapon so transferred or delivered
17 from which such sample was discharged.

18 (b)(i) Any person licensed under section 122 who receives a
19 weapon from a manufacturer or wholesaler on or after July 1,

20 2005 that is not in compliance with subsection (a) shall, within 10
21 days, either: (i) return the weapon to the manufacturer and notify
22 the manufacturer of the requirement to provide a ballistic sample
23 in compliance with this section and regulations established here-
24 under; or (ii) notify the department of state police of the manufac-
25 turer's noncompliance with subsection (a) and such regulations
26 and cause said department to secure a ballistic sample from such
27 weapon in a manner provided by such regulations; and, upon
28 securing a ballistic sample, the department of state police shall
29 issue the licensee a certificate of compliance.

30 For the purposes of this paragraph, a weapon shall be deemed
31 to be in compliance with subsection (a) if it is accompanied by a
32 marked and sealed container in accordance with rules and regula-
33 tions established by the executive director of the criminal history
34 systems board and if, based upon inspection of the exterior of
35 such container, the licensee has no reason to presume that such
36 container does not contain a ballistic sample that matches the
37 identifying information communicated thereon.

38 (ii) Any person licensed under section 122 who receives a
39 weapon on or after July 1, 2005 from a person other than a manu-
40 facturer, wholesaler or another person licensed under section 122
41 that would not be deemed to be in compliance with subsection (a)
42 if received from a manufacturer or wholesaler shall, within 10
43 days, either: (i) submit the weapon to the manufacturer for the
44 purpose of having it returned back to the licensee in compliance
45 with subsection (a) and regulations established hereunder; or, if,
46 and only if, the manufacturer refuses to accept delivery of such
47 weapon for said purpose (ii) notify the department of state police
48 of the manufacturer's refusal and cause said department to secure
49 a ballistic sample from such weapon in a manner provided by such
50 regulations; and, upon securing a ballistic sample, the department
51 of state police shall issue the licensee a certificate of compliance.

52 (iii) Any person licensed under section 122 who transfers a
53 weapon, and ownership thereof, received on or after July 1, 2005
54 for which a ballistic sample or certificate of compliance is
55 required to be procured under the provisions of paragraph (i) or
56 (ii) to another person so licensed shall include in the container
57 with such weapon the ballistic sample received from the manufac-
58 turer or the certificate of compliance issued by the department of

59 state police. Such person to whom such weapon is transferred
60 shall retain such sample or certificate with the weapon until the
61 weapon is transferred to another person.

62 (iv) Any person licensed under section 122 who transfers a
63 weapon, and ownership thereof, received on or after July 1, 2005
64 for which a ballistic sample or certificate of compliance is
65 required to be procured under the provisions of paragraph (i) or
66 (ii) to any person other than another person so licensed shall
67 within 10 days forward to the executive director of the criminal
68 history systems board in such manner to be prescribed by said
69 executive director the ballistic sample received from the manufac-
70 turer or the certificate of compliance issued by the department of
71 state police.

72 (c) On and after July 1, 2005, the criminal history systems
73 board shall operate an electronic database containing information
74 relevant to the identification of all shell casings and the weapons
75 from which they were discharged for which ballistic samples are
76 required to be submitted to said board pursuant to the provisions
77 of subsection (b). Said board shall retain all ballistic samples for-
78 warded to it as required under this section.

79 (d) On and after July 1, 2005, the department of state police
80 shall provide services to persons licensed under section 122 for
81 the collection of ballistic samples as required under
82 paragraphs (b)(i) and (b)(ii). Upon completion of the ballistic
83 sample collection procedure required hereunder, the department of
84 state police shall provide the licensee with a certificate of compli-
85 ance certifying that a ballistic sample has been secured by said
86 department. Such samples and information relevant to the identifi-
87 cation of all shell casings and the weapons from which they were
88 discharged shall be forwarded to the criminal history systems
89 board.

90 (e) The secretary of the executive office of public safety may
91 establish regulations to carry out the provisions of this section.